

Aeronautics Act

single United States level because their airports vary under municipal control. The additional federal levies, such as the transportation tax and many other United States charges, are much higher than ours and they have types of charges which we do not have. On the other hand, other United States charges I do concede are lower.

Turning now to the substance of the hon. member's argument about charges for the availability of services, let me say first of all that these charges do not constitute a tax. A charge for a service rendered or a service which may be rendered is not the imposition of a tax so far as I am concerned under any definition of the common or statute law. What we contemplate here by available services are such things as weather information, use of radio ranges, beacons, other navigational items and the electronic aids with which I know the hon. member is familiar.

I should like to submit to the house that there is no contractual relationship here. These services are held available for the safety of our air lines. I was glad to see the hon. member for Brome-Missisquoi (Mr. Grafftey) stress that aspect of these regulations. They are understandable services in the case of need. They may be voluntarily required. They may be required under times of stress or for the furnishing of needed information.

Let me put this to the hon. member. These charges are no different in effect from the pilotage charge imposed upon an owner or master of a vessel coming up a ship channel where the pilotage charge is compulsory. For the use of the owner, and in the interest of safety, we impose upon the owner and master of a vessel the obligation to take a pilot aboard. Let me say also to the hon. member, who shares the same profession I do, that it is quite customary for lawyers or other consultants to operate on retaining fees, the basis of the retainer being that the lawyer, accountant or management consultant should be available in terms of service no matter whether he actually renders a service during any calendar year. I know that the retainer fee is a contemplated and quite usual form of professional conduct and in no way could be considered as a tax by the person who is rendering or who is available to render the service.

I wish to say to the hon. member that the concept of these charges for facilities available for flights within Canada has been discussed with the international air lines. In my

earlier statement I mentioned that the International Air Transport Association had been consulted. It also was a subject of consultation with all or most international air lines both through meetings and by letter. The air lines did not object to the principle of availability once the departmental officials had limited it to Canadian air space only. All they objected to before as I am sure the hon. member knows, was the extraterritorial implication in the earlier bill. They asked the assurance of the Department of Transport that the charges would be reasonable in relation to the cost of providing these services. The department gave the international air lines the assurance that they would be consulted before the department passed regulations in respect of any charge of this particular type. I am led to believe, Mr. Speaker, that they have accepted this undertaking on behalf of the departmental officials. I feel I have covered all the points raised by the hon. member for the Yukon (Mr. Nielsen). Perhaps he can correct me when we get to the particular clauses. In closing may I say that I sympathize very much with the remarks made by the hon. member for Simcoe East (Mr. Rynard) because we in Montreal particularly have a walk of at least a quarter of a mile from some of the international flights to the main body of the airport. I certainly will draw this matter to the attention of the officials, many of whom are sitting in the official gallery.

Motion agreed to, bill read the second time and the house went into committee thereon, Mr. Rinfret in the chair.

On clause 1—*Regulations.*

Mr. Turner: Mr. Chairman, in accordance with my undertaking I recommend to the committee that clause 1 be amended by the deletion of subsection 2 of the new section 3A.

Mr. McCleave: May I ask the minister whether subsection 1 would not go as well since there are only two paragraphs in 3A?

• (5:10 p.m.)

Mr. Turner: I do not follow that.

Mr. Nielsen: I believe what the hon. member for Halifax meant to say was that you would have to refer to the wording of the previous bill, C-117, and section 3A would be divided only into two basic subsections. We have in the present bill subparagraphs (i) and (ii). You are now deleting subsection 2 of the